

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

William J. Froehlich, Chairman
Dr. Mark O. Barnett
G. Paul Bollwerk, III

In the Matter of POWERTECH USA, INC. (Dewey-Burdock In Situ Uranium Recovery Facility)

Docket No. 40-9075-MLA

ASLBP No. 10-898-02-MLA-BD01

October 24, 2016

ORDER
(Scheduling Telephonic Status Conference)

In response to the Licensing Board's October 13, 2016 order requesting scheduling information for a telephone conference with the parties, see Licensing Board Memorandum and Order (Requesting Scheduling Information for Telephone Conference Call) (Oct. 13, 2016) at 2 (unpublished), a representative of the collective parties contacted the Board on October 21, 2016, regarding their availability. Based on the information provided, the conference is scheduled for Monday, November 7, 2016, beginning at 2:00 p.m. Eastern Time. The Board anticipates that this conference will last no more than two hours.

The Licensing Board will establish a bridge line for this conference, with three lines provided for each party.¹ In the near future, a Board representative will contact the parties with instructions on how to access the telephone conference. Listen-only telephone access will also be made available for members of the public.

¹ If any party requires additional lines, it should promptly contact Board law clerk Cooper Strickland at Cooper.Strickland@nrc.gov.

During the conference, the Board would like to discuss with the parties the status of government-to-government consultations. The subjects to be discussed include, but may not be limited to:

- (1) the status of development activities at the Dewey-Burdock site;
- (2) the status of permitting proceedings regarding the Dewey-Burdock site pending before the State of South Dakota and the United States Environmental Protection Agency, see Powertech (USA), Inc. Request for Status Report on Petition for Review of LBP-15-16 (Mar. 28, 2016) at 2;
- (3) the schedule of up-coming government-to-government consultations between the Oglala Sioux Tribe and the NRC Staff;
- (4) the parties' collective and/or independent efforts to identify cultural, religious, and historic resources of significance to the Oglala Sioux Tribe following the Board's Partial Initial Decision;
- (5) the NRC Staff's plan to prepare a supplement to the Final Supplemental Environmental Impact Statement regarding cultural, historic, and religious resources of significance to the Oglala Sioux Tribe; and
- (6) the parties' positions regarding the procedural course the Board should take to bring about a final resolution of Contentions 1A and 1B.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

William J. Froehlich, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
October 24, 2016

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
POWERTECH (USA) INC.) Docket No. 40-9075-MLA
(Dewey-Burdock In Situ Recovery Facility))
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Scheduling Telephonic Status Conference)** have been served upon the following persons by Electronic Information Exchange, and by electronic mail as indicated by an asterisk.

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board (ASLB)
Mail Stop T-3F23
Washington, DC 20555-0001

William J. Froehlich, Chair
Administrative Judge
william.froehlich@nrc.gov

Mark O. Barnett
Administrative Judge
mark.barnett@nrc.gov

G. Paul Bollwerk, III
Administrative Judge
paul.bollwerk@nrc.gov

Margaret J. Bupp, Esq., Chief Counsel
margaret.bupp@nrc.gov

Cooper J Strickland, Law Clerk
cooper.strickland@nrc.gov

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop O-7H4
Washington, DC 20555-0001
OCA Mail Center
ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Rulemakings & Adjudications Staff
Mail Stop O-4F00
Washington, DC 20555-0001
hearingdocket@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-14A44
Washington, DC 20555-0001
Mary Spencer, Esq.
mary.spencer@nrc.gov
Patricia Jehle, Esq.
patricia.jehle@nrc.gov
Susan Vrahoretis, Esq.
susan.vrahoretis@nrc.gov
Emily Monteith, Esq.
emily.monteith@nrc.gov
Sabrina Allen, Paralegal
sabrina.allen@nrc.gov
OGC Mail Center:
ogcmailcenter.resource@nrc.gov

POWERTECH (USA) INC., DEWEY-BURDOCK IN SITU RECOVERY FACILITY
DOCKET NO. 40-9075-MLA

ORDER (Scheduling Telephonic Status Conference)

Counsel for the Applicant (Powertech)
Thompson & Pugsley, PLLC
1225 19th Street, NW, Suite 300
Washington, DC 20036
Christopher S. Pugsley, Esq.
cpugsley@athompsonlaw.com
Cynthia L. Seaton, Paralegal
cseaton@athompsonlaw.com
Anthony J. Thompson, Esq.
ajthompson@athompsonlaw.com

Consultant to Applicant (Powertech)
WWC Engineering
1849 Terra Ave.
Sheridan, WY 82801
Jack Fritz
jfritz@wwcengineering.com

Counsel for the Oglala Sioux Tribe
Western Mining Action Project
P. O. Box 349
Lyons, CO 80540
Jeffrey C. Parsons, Esq.
wmap@igc.org

Counsel for the Oglala Sioux Tribe
Energy & Conservation Law
1911 Main Avenue, Suite 238
Durango, CO 81301
Travis E. Stills, Esq.
stills@frontier.net

Counsel for Consolidated Intervenor
Aligning for Responsible Mining (ARM)
David Frankel, Esq.
P.O.B. 3014
Pine Ridge, SD 57770
arm.legal@gmail.com

Counsel for Consolidated Intervenor
(Susan Henderson and Dayton Hyde)
Law Office of Bruce Ellison
P.O. Box 2508
Rapid City, SD 57709
Bruce Ellison, Esq.*
belli4law@aol.com
Roxanne Andre, Paralegal*
roxanneandre@yahoo.com

Counsel for Consolidated Intervenor
(Dayton Hyde)
Thomas J. Ballanco, Esq.*
945 Traval Street, #186
San Francisco, CA 94116
harmonicengineering@gmail.com

[Original signed by Herald M. Speiser _____]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 24th day of October 2016